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IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY NINTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 10675 of 2005

Between:

Md. Yakub Khan, S/o. Husaain Khan
Shop No. 2 (Under Suspension), R/o. Kalluru Village and Mandal,
Khammam District.

..... PETITIONER

AND

The Revenue Divisional Officer, Khammam.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ or direction preferably writ of Mandamus declaring the order issued by the respondent vide Rc.No. C2-402/05 dt: 26-2-2005 is illegal, arbitrary and violative of principles of natural justice and consequently direct the respondent to continue the petitioner as FP. Shop dealer as usual, and pass such other or further orders as this Hon'ble court deems fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.KOWTURU VINAYA KUMAR

Counsel for the Respondent No.: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following :

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ORAL ORDER:

Heard both sides.

In this Writ Petition, the petitioner is seeking a Writ of Mandamus, declaring the order issued by the respondent vide Rc.No. C2-402/2005 dated 26.2.2005 as illegal arbitrary and consequently direct the respondent to continue the petitioner as Fair Price Shop Dealer as usual.

Against the order of suspension passed by the respondent vide his proceedings dated 26.2.2005, an appeal is provided under the Essential Commodities Act, to the Joint Collector and without availing the remedy available, the petitioner straight away approached this court by way of this Writ Petition under Article 226 of the Constitution of India.

Therefore, I see no reasons to entertain this Writ Petition and accordingly, the same is dismissed. No order as to costs.

ELIPE DHARMA RAO,J

DATED: 29.04.2005

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To

1. The Revenue Divisional Officer, Khammam.
2. Two CCs to G.P. for Civil Supplies, High Court of A.P., Hyderabad (OUT)
3. Two CD copies.